IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 21839 of 2004

Between:

M/s. Sainath Estates (P) Ltd. rep by its Managing Director,
K. Premsagar Rao, S/o. K. Raghupathi Rao, aged about 46 years R/o.

1-8-822, Begumpet, Secunderabad.

..... PETITIONER

AND

1. The Special Court (II Court) for cases under A.P. Land Grabbing Prohibition Act, rep by its Registrar, Hyderabad.

2. Nawab Rashid Nawaz Jung Bahadur, S/o.(Late) Nawab Nakir Nawaz Jung Bahadur, R/o. 3-6-457, Himayathnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ and direct the 1st respondent to take up and decide I.A.No. 1303 of 2004 in L.G.C. No. 58 of 1997 before proceeding with the trial and adjudication of L.G.C. NO. 58 of 1997.

Counsel for the Petitioner:MR.V.VENKATARAMANA

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Mr.Harender Pershad

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The grievance of the writ petitioner, who is respondent No.5 in L.G.C.No.58 of 1997 before the Special Court (II Court) under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, at Hyderabad, is that application in I.A.No.1303 of 2004 has been filed by it praying to reject the land grabbing case being frivolous and vexatious. It is submitted that in view of what has been alleged in the application moved by the petitioner before the Special Court, it is not permissible for the Special Court to take up the Land Grabbing Case for trial since questions arising for consideration therein are beyond the purview of the Special Court. Without taking any decision on the said application and keeping the said application pending, the Special Court is adamant to take up the trial of the Land Grabbing Case.

We have heard the counsel for the parties.

Considering the facts and circumstances and the nature of the application moved before the Special Court, we are of the view that it will be but appropriate for the Special Court to hear the parties and decide I.A.No.1303 of 2004 before it would take up L.G.C.No.58 of 1997 for trial. The Special Court will not proceed to take up the trial of L.G.C.No.58 of 1997 without taking decision on I.A.No.1303 of 2004.

Ordered accordingly and the writ petition stands disposed of.

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DEVINDER GUPTA, CJ

6-12-2004

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M.NARAYANA REDDY, J

Tvr

Note:

Issue wire at party's cost

(BO)

To

1. The Registrar, Special Court (II Court) for cases under A.P. Land Grabbing Prohibition Act, rep by its Registrar, Hyderabad.

2. The Govt. Pleader for Revenue, High Court Buildings, Hyderabad

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